IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5641 OF 2004

Dattatraya S. Ghodse ... Petitioner

v/s

Vilas R. Shah ... Respondent

Mr P.S. Dani for Petitioner.

Mr S.B. Rao i/b M/s Ram and Co. for Respondent.

CORAM : D.K. DESHMUKH J.

DATE : 29TH JUNE 2005.

P.C. :-

1. Rule, returnable forthwith. Heard finally by consent of the parties.

2. Admittedly, reference has been made under the Tenancy Act by the Civil Court to the Tenancy Court. The proceedings arising out of the reference by the Civil Court to the Tenancy Court were at the relevant time and even now pending before the revisional authority under the Tenancy Act. Obviously therefore, till the reference is finally heard by the competent authority under the Tenancy Act, the proceedings in civil suit so far as the final disposal of the suit is concerned, will have to be stayed. Perusal of the order passed by the Trial Court shows that the Trial Court has totally misconstrued the provisions of Tenancy Act. The order impugned is set aside. It is directed that further proceedings in civil suit No.480 of 1994 pending before the Civil Judge, Senior Division, Nasik shall remain stayed till decision of the Tenancy Court in appeal is made. Rule is made absolute accordingly with no order as to costs.

. Parties to act on the copy of this order duly authenticated by the Sheristedar / Personal Secretary of

this Court as true copy.

. Certified copy expedited.